

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

CADDO SYSTEMS, INC. and 511  
TECHNOLOGIES, INC.,

Plaintiffs,

v.

PROGRESS SOFTWARE  
CORPORATION

Defendant.

Misc. Action No. \_\_\_\_\_

(Case No. 1:22-cv-10815  
pending in the United States  
District Court for the District of  
Massachusetts)

**DEFENDANT PROGRESS SOFTWARE CORPORATION'S  
MOTION TO QUASH PLAINTIFFS' THIRD-PARTY SUBPOENAS**

Defendant Progress Software Corporation (“Progress”), by and through its undersigned counsel, moves pursuant to Federal Rules of Civil Procedure 45 and 26 to quash the *Subpoenas to Testify at a Deposition in a Civil Action* (the “Subpoenas”) to SHI International Corp., ComponentSource Holding Corporation, Softchoice Corporation, Inc., dated May 1, 2023 and issued by Plaintiffs Caddo Systems, Inc. and 511 Technologies, Inc. (“Caddo”).

As set forth in full in the accompanying Memorandum, Caddo’s Subpoenas request from third-party resellers SHI International Corp., ComponentSource Holding Corporation, Softchoice Corporation, Inc. confidential and competitively

sensitive information about Progress’s customers. Caddo requested and moved to compel the same information from Progress, but the Issuing Court denied the motion, finding that the requested information was “significantly overbroad” and “not material to the issues in this case.”<sup>1</sup> Caddo’s Subpoenas are an attempt to get around the Issuing Court’s denial of Caddo’s motion to compel this information and should be quashed.

Counsel for Progress in the Issuing Court met and conferred with counsel for Caddo concerning narrowing or withdrawing the subpoena; counsel for Caddo refused.

WHEREFORE, Progress respectfully requests that this Court enter an order:

1. relieving third-parties SHI International Corp., ComponentSource Holding Corporation, Softchoice Corporation, Inc. from having to respond to any Caddo subpoena pending further Court order;
2. prohibiting Caddo from contacting Progress’s third-party resellers pending further Court order;
3. quashing the subpoena or, in the alternative, entering a protective order limiting the scope of the subpoena; and
4. entering any such further relief as the Court deems proper.

In the alternative or in addition to the relief requested above, Progress respectfully requests that this Court transfer proceedings concerning the Subpoenas

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<sup>1</sup> Case No. 1:22-cv-10815, ECF No. 59 (D. Mass. May 5, 2023).

to the Issuing Court, the District of Massachusetts, in accordance with Federal Rule of Civil Procedure 45(f). Transfer to the Issuing Court will promote judicial efficiency and reduce the risk for inconsistent rulings, including with respect to the prior orders of the Issuing Court. Counsel for Progress has conferred with counsel for SHI International Corp. and ComponentSource Holding Corporation; counsel for those entities indicated that they consent to the transfer. Counsel for Progress has been unsuccessful in reaching Softchoice Corporation, Inc.

Respectfully submitted this 12<sup>th</sup> day of May, 2023.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing document was filed served on the following counsel of record via email:

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This 12<sup>th</sup> day of May, 2023.

/s/ Aaron M. Danzig  
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